

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

United States Securities and Exchange
Commission,

Plaintiff

Case Number

vs.

1:23-cv-00503-KPF

Avraham Eisenberg,

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Commodity Futures Trading Commission,

Plaintiff

Case Number

vs.

1:23-cv-00173-LGS

Avraham Eisenberg,

Defendant

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

The CFTC case was filed on January 9, 2023, and is pending before the Honorable Lorna G. Schofield, United States District Judge. The SEC case was filed on January 20, 2023, and is pending before the Honorable Katherine Polk Failla, United States District Judge. The defendant has not yet appeared in either case.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The above-referenced cases arise from the same set of facts.

In addition, these same facts are the subject of United States v. Eisenger, 1:23-cr-00010-RMB, which is pending before the Honorable Richard M. Berman, United States District Judge. The indictment was filed on January 9, 2023, and the defendant has not yet appeared in the district.

Signature: /s/ Alyssa A. Qualls Date: 1/25/2023
 United States Securities and Exchange
 Commission
 Firm: _____